

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-26

Petition of 54 Washington Street Trust
54 Washington Street

Petition of 54 WASHINGTON STREET TRUST requesting a Special Permit pursuant to the provisions of Section XXI, Part D, Subparts 2 and 3 of the Zoning Bylaw to expand an existing off-street parking area, at 54 WASHINGTON STREET, in a Single Residence District.

On March 22, 2006, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

April 6, 2006 Public Hearing

The Board Chairman stated that, for the record, he has lived in Wellesley for 40 years and he has purchased things from Spivack's when it was a furniture store and that he has parked in the lot. He asked if there was anyone present who felt that he should be disqualified. No one present at the hearing had any comment.

Presenting the case at the hearing were Larry Shind, Robert O'Leary, Trustee of 54 Washington Street Realty Trust, Dan Dobra, and Dan Gordon, Landscape Architect.

Mr. Shind said that the petitioner is proposing to upgrade an existing parking lot that has been on the site for many years. He said that they thought that the project triggered Section XXI D of the Zoning Bylaw which addresses upgrading of parking areas. He said that the upgraded lot will contain a total of 31 parking spaces, 25 of which will be at the rear of the building and six along the eastern side of the building as parallel spaces.

Mr. Shind said that it is his understanding that this parking lot has been in use for many years as a pre-existing nonconforming use. The plan is to turn a decayed parking surface into one that is better for the neighborhood in general.

Mr. Dobra displayed revised plans. He said that plans for the handicapped spaces have been revised to allow for an eight foot van accessible aisle. He said that the hedge that wraps around the south, north and east property lines was changed from deciduous to evergreen shrubs. The shrubs will be 3.5 feet at installation, which will meet the development standards in the bylaw.

Mr. Dobra described existing fences along the south and southeast sides of the lot. He said that they are proposing to build a reinforced concrete wall which will run along the south and east sides.

Mr. Dobra said that the total lot is a little over half an acre. The perimeter of the parking lot is 9,800 square feet and the paved parking lot is 8,000 square feet. Mr. Dobra said that information is on the revised plans.

Mr. Dobra said that ten percent of the total lot is landscaped. He said that 17 percent of the parking area is landscaped. The Board questioned the petitioner's interpretation of interior space.

The Board said that a 9,800 square foot lot would require 980 square feet of landscaping, half of which has to be in the interior.

Mr. Gordon said that the total percentage of landscaping is well above the minimum requirement. He said that because the site is constrained, they did not introduce interior islands, as that would be less practical in terms of plowing and maintaining the lot.

The Board asked about snow removal. Mr. Gordon said that it would have to be trucked off if the space at the back of the lot was not sufficient. The Board said that there is not much of a screen at the back of the lot. It would not make sense to put snowpiles there because it abuts residences.

Mr. Dobra said that there will be some grading done involving approximately two and one-half feet of cut. The Board said that a grading plan should be submitted showing the existing and proposed conditions.

The Board said that the project had gone through Design Review and was considered a Minor Construction Project.

The Board asked about the easement that runs down Washington Court. Mr. Shind said that it is a private way and each of the abutting owners owns to the midpoint.

Mr. Dobra said that there is a catch basin on Washington Court that currently catches runoff from the lot. He said that will remain. The Board said that the rate of runoff will increase. Once a 100 percent runoff situation is created, there needs to be assurances that the runoff will be properly handled. The Board said that it is important to have some drainage system there because the lot is on a hill and there is a lot of impervious surface.

The Board asked Mr. O'Leary how long he has owned the property. Mr. O'Leary said that he has been going to the property as an employee since 1972. He said that he purchased the property with his wife in 1985.

The Board asked if the area has always been used for parking. Mr. O'Leary said that it has. He said that there is a furniture store there. It might not have been used every day for parking but their employees have parked there for years. They also allow the abutting neighbors, the McQuillans, to park there.

The Board asked who would park in the lot once it was upgraded. Mr. O'Leary said that he plans to sell the building so he does not know who will be parking there.

The Board asked about proposed lighting. Mr. Dobra said that the plan is to refurbish the existing lights. The only existing lighting is on the rear of the building.

David Tobin, 20 Crescent Street, said that he has lived on the street opposite the street that abuts the property for several years. He said that the lot was not used for more than a few cars and that traffic flow has been limited to the gas station. He said that the unforeseen use of the property could have a detrimental effect on the traffic flow and the encroachment into the residential zone could be detrimental to the neighbors' enjoyment of their properties.

Dan Flanagan, 12 Crescent Street, said that he lives at the southeast corner of the lot and that he is concerned about increased traffic. He said that the lot has not been used as an active parking lot other than for housing McQuillan's trucks.

Elizabeth Flanagan, 12 Crescent Street, said that they live there with their two boys. She said that she has written a letter requesting that the Board not issue the Special Permit. She said that they moved there four years ago and the lot has never been used as a parking lot for more than an occasional car. She said that it is zoned residential and should remain so. She said that she is concerned with increased auto emissions directly affecting their air quality. Three of four people in her family have severe asthma. The lot serves as buffer between them and the McQuillans.

Ms. Flanagan said that increasing traffic in Lower Falls will push more traffic into the neighborhood.

Patricia McQuillan, 12 Washington Court, said that she has lived there her whole life. She said that the lot has been used for parking since she was a child. She said that her grandfather ran his mechanic's business out of the back of the building in 1927. She said that a bakery, a forklift company, a car dealership, a place that sold packing and then Spivack's have been located there.

Ms. McQuillan said that she is speaking on behalf of her brother and sister and that they consider the project an improvement. They own 6, 8, 12 and 14 Washington Court, which is everything down on the left side. They will now look out to a landscaped paved area. She said that she has asthma and it will help her because she will no longer feel the effects of dust and pollen in the air.

Dan Lothian, 8 Crescent Street, said that he has owned his home for six months. He said that it seems to be an informal parking lot. Trucks will park there from time to time. Sometimes cars are towed there temporarily. He said that he is concerned about an increase in noise if it is turned into a full service parking lot.

Tom Atkinson, 14 Crescent Street, said that he lives on the other side of the Flanagans. He said that there are many children living in the neighborhood. He said that he is concerned about the traffic, the type of fence that would be put up, and how accessible the lot would be.

Judy Rhoades, 5 Fairbanks Avenue, said that she lives on a raised lot that is across the street. She said that they can see through to the lot. She said that it has been an unused space for the most part. She said that increasing traffic and use of the lot is not a good thing for the neighborhood. The Board confirmed that Ms. Rhoades is not an abutter.

Lori Ferrante, 9 Crescent Street, said that she lives across the street from the Flanagans. She said that she is concerned about the intensity of use. She said that they have observed over the past 10 years that this has been a dirt lot that has been used for trucks and an occasional car. Parking took place on the side of the building and they did not see it. The vacant lot has served as a buffer zone by creating open space in an already crowded neighborhood.

Maureen Febiger, 24 Crescent Street, said that she has seen the 1946 permit that allowed the business to extend 50 feet into the residential zone. She said that the situation has changed since that time and that the extended use would be injurious to the neighborhood.

The Board said that there was a 50 foot extension previously granted to extend from the business district into the residential zone. The area beyond the 50 foot encroachment appears to be a pre-existing nonconforming use for parking in a residential district. The number of cars parking there does not affect the use.

Amy Braddocks, 3 Fairbanks Avenue, said that they recently moved there. She said that it was her impression that the lot was a field. She said that she is concerned that they do not know who will purchase the property. She is concerned about encroachment into the neighborhood and the effect on property values.

Mr. Shind said that the lot enters and exits from Washington Street only. He said that there is no access from the lot to the neighbors behind. He said that they feel that the appearance of the lot will be improved for the neighbors. There will be more screening and fences will be repaired. Currently half of the lot is paved. They are not proposing any increase in the use of the building with this petition.

Mr. Tobin asked about the surveyor and the plot plan. The Board said that the plot plan is stamped by a professional engineer who is licensed in Massachusetts and whose work is governed by State statutes. The Board accepts the information on a certified plot plan as factual.

May 11, 2006 Public Hearing

Presenting the case at the hearing was Larry Shind, who said that he would address two major concerns, the history of parking in the lot and the revised parking plan to show that the project fits within the definition of minor construction project under the Zoning code.

Mr. Shind said that the parking lot has been in active use by the owners and occupants of the site for many years. The property was owned by Wellesley Garage Inc. from 1928 to 1945. It was used for auto repair and service. In 1940 it was leased to a baking company and the area was used for the storage of bakery delivery trucks. Between 1946 and 1955, the site was owned by two auto dealers, Newton Auto Sales and then Allen Motor Company. They sold and stored cars on site. From 1955 to 1961, the property was rented by a company that rented and repaired forklift trucks. In 1961, the property came under the ownership of Spivack Brothers until 1985 when it was purchased by the current owner, Robert O'Leary. The current and previous owners, and the owners of the business across the private way, the

McQuillan family, have used the rear parking area for both customer and employee parking, and for parking of vehicles being sold.

Ms. Shind displayed photos that showed parking on the site on various dates ranging from 1970 to 2004.

Dan Dobra, Dan K. Gordon Associates, Inc., said that the proposal remains for 31-car parking. Twenty-five of the spaces will be in the main area and six will be parallel along the side of the building.

Mr. Dobra said that the plan meets the 5 percent minimum interior landscape requirement. He said that plantings were added to include 8 foot, 3 inch caliper Red Maples and 19 six to seven foot Arborvitaes on the back edge, and a 3 foot hedge along the northern edge of the parking lot.

Mr. Dobra said that the rear of the site was surveyed by Thomas Corcoran Associates. The survey shows that grading, regrading and vegetative disturbance will be less than 5,000 square feet. A Civil Engineer from Uniterria Consulting, LLC verified the information.

Mr. Dobra said that the area that will not be regraded will be repaved and striped.

Mr. Dobra said that an engineering design will be prepared to tie into the Town's storm drains.

The Board said that the applicant should submit final drainage plans for review by the Department of Public Works to ensure that they meet standards for particle removal, oil/water separators, and connection to the storm drains.

The Board said that it has been demonstrated that there was a pre-existing nonconforming use. Site Plan Approval will not be triggered because grading will be less than 5,000 square feet. The requirements for interior landscaping have been met.

The Board said that all of the abutters are at higher elevations and could have a very good view of the lot. The six to seven foot hedge meets the requirement for screening in the bylaw but does not seem sufficient to provide a good screen. It would be unrealistic to try to break the line of sight for the second stories of the residences. The screening should break the line of sight for the first story.

The Board said that the Red Maples on the west side are going to be bare in the winter. Something that will grow into a full green hedge such as 10 foot Fir or Arborvitae in addition to the Maples would provide dense year round screening.

The Board said that there should be no spillover from lighting onto the abutting properties. Any light fixtures will have to shine down only.

Stanley Brooks said that he is representing neighbors and abutters to the property. He said that there are no dimensions given for the lot lines.

Mr. Brooks said that the buffer encroaches two feet into the right of way.

Mr. Brooks displayed the record plan. The Board said that it is clear that the northern property line is 85.18 feet and the rear property line is 83.15 feet. In each instance there is an additional 15 feet to the midpoint of the easement.

Mr. Brooks displayed a profile of the parking lot, looking from the east. He said that it depicts the grades from the centerline back up after the proposed improvements are made. He said that he has concerns about drainage.

Mr. Brooks said that there are no dimensions on the plan but he scaled it out. He said that the 8,000 square feet is paved area only. The entire area dedicated to parking is in excess of 10,000 square feet from his calculations. He said that if that is true then there should be over 1,000 square feet landscaped area, 500 square feet of which should be interior. He said that he believes that at this point there is only 405 square feet of interior landscaping.

Mr. Dobra said that grass or shrubs were not included in parking area calculations.

The Board said that the measurement does go out to the right of way. The right of way only services this property and the property on the other side of it. The petitioner would have the right to encroach onto it. Mr. Brooks said that the property on Fairbanks that abuts the rear of the parking area also has rights in the way.

Mr. Brooks said that Mr. Shind had indicated that the property was first used for parking in 1928. Mr. Brooks said that the Zoning Bylaws were established in 1925. He said that there has been no testimony that the property had been used for parking prior to the institution of the Zoning Bylaw.

The Board said that it had oral testimony at the last session from the McQuillan family. Mr. Brooks read from the minutes of the April 6, 2006 meeting. He said that Ms. McQuillan said that her grandfather ran his business out of the back of the building in 1927. He said that is two years after the zone became residential. He said that there is no evidence that the property was utilized as a parking area prior to the institution of the residential zone.

Mr. Brooks said that if the Board accepts that there is sufficient testimony that there was parking use pre-dating zoning, then the grandfathered use of the premises, which he believes was a gas station, has been discontinued. He said that several uses of the premises have been discontinued over the years. He said that abandonment of the initial use of the property for more than two years constitutes abandonment of the protected status.

Mr. Brooks said that there was a 1946 Special Permit from the Board of Selectmen that allowed encroachment of 50 feet into the residential zone. He said that shows that it was thought that a special permit was necessary to use a residential zone for a commercial purpose.

The Board said that extension of the building 50 feet into the residential zone has already been granted. The special permit was granted in 1946 for any business purpose. They have a permanent right to use that 50 foot area for commercial purposes.

Mr. Brooks said that the Selectmen's grant in 1946 indicated that it was subject to the condition that the extension or moving of "such establishment or such use" shall be limited to the maximum of 50 feet. He said that, in his opinion, the Board of Selectmen was contemplating a specific use. He did not believe that it was a general authorization.

The Board said that what the Board of Selectmen was permitting was the 50 feet, not the use.

The Board said that it was satisfied that this parcel has been used continuously for parking over the years. That was based to a great degree on Ms. McQuillan's testimony. The Board said that the use would not be changing.

Mr. Brooks said that there will be an intensification of the use. He said that photographs that were presented to the Board show three or four cars at most parked on the lot at any given time. He said that the Board heard testimony from some of the neighbors at the April meeting that there were never more than a few cars parked in the lot. He said that paving, regrading and creating 25 parking spaces is a significant intensification as well as an expansion of the use.

Mr. Brooks said that it is difficult to make a decision as to the quality or quantity of the use of the parking lot without having an idea of what the underlying use of the property will be. He said that the neighbors would prefer to see a less invasive parking scheme with fewer parking spaces or more landscaped area to offset it from the residential area, and limited hours of operation. He said that the proposed lighting does not seem adequate with respect to safety issues.

The Board said that the lot will only be used during the day.

Mr. Shind said that at the beginning of the 1920's the property was in use as a Packard Dealership. He said that the auto parking use does pre-date the bylaw. He said that he did not believe that they were required to present the history of the site as far back as 1925 as long as they are able to show 10 years of use of the property.

Marlene O'Brien said that she was present on behalf of Father Tom Powers of St. John's parish. She was asked to convey his concerns about safety of the children in the community.

The Board said that its jurisdiction for this application does not trigger review of traffic or other safety issues. When a business is proposed for the building, there may be further review of those issues.

Michael Racette, 21 Fairbanks Avenue, said that he has lived there for almost 10 years. He said that he is concerned with the intensification of the use. He said that there has never been 31 cars parked there at any one time.

Dan Flanagan said that the petitioner deflated the contours of the proposed grade change to stay under the 5,000 square foot trigger for Site Plan Approval. He said that he has been in the construction business for 35 years. He said that what is proposed is not a constructible parking lot. He said that there should be an as-built survey done when the project is complete.

Elizabeth Flanagan, said that she is representing her neighbor who lives at 8 Fairbanks Avenue who has trouble speaking English. They wanted to say that they object to having their easement encroached upon. They just bought the property and do not know if they would want to use the right of way.

Ms. Flanagan said that all of their neighbors were present at the hearing and they are all very concerned.

The Board asked for a show of hands for people who were present to oppose the petition. Fourteen people raised their hands in opposition.

Ms. Flanagan said that she had letters of opposition from neighbors who were unable to attend the Public Hearing.

The Board said that how the open space was calculated was a concern.

Mr. Dobra said that the interior landscaping has to cover five percent of the parking area. He said that it is his understanding that the parking has to be paved.

The Board said that what is proposed will be maximally squeezed in and intensive for this lot. It would be appropriate to provide more interior landscaping, more greenery and fewer spaces. Parking should stay within the limits of the property with the exception of the six spaces that are already next to the building.

The Board said that it would continue the petition again so that Mr. Shind and Mr. Brooks could try to reach an agreement.

Mr. Shind, after consulting with the petitioner, said that he and Mr. Brooks had already reviewed the neighbors' proposals. The applicant did not find those proposals acceptable.

June 15, 2006 Public Hearing

Presenting the case the hearing was Larry Shind, who said that he was representing the property owner, Robert O'Leary. He said that they have revised the parking plan to address the issues of landscaping and screening.

Mr. Shind said that the lot at the rear of 54 Washington Street has been in existence and in continued use since the 1920's. He said that it was established at the prior two hearings that the lot does meet the requirements for a minor construction project under the bylaw and therefore only triggers the Design Review standard. The Design Review Board has already recommended approval of the plan in its earlier version. The revised edition of the plan includes additional screening and landscaping. The total number of parking spaces remains the same.

Mr. Shind said that currently there are 11 spaces along the side of the building. In an effort to reduce the impact on the adjacent right of way, the number of spaces has been reduced to seven and are parallel to the right of way.

Mr. Shind said that he had letters of support from all of the owners who are adjacent to and have rights over the right of way. The parking will not obstruct passage for anyone who has a right to the right of way.

Mr. Shind said that they have seen no evidence that the owner to the rear of the right of way at 8 Fairbanks Avenue has any legal rights to the right of way. There is nothing mentioned in their deed or chain of title.

Dan Gordon, Dan Gordon Associates, Inc., said that he is the Landscape Architect. He displayed the parking plan. He said that the area to be measured was described on the plan. He said that they looked at the whole paved parking area, the interior parking islands and the peripheral landscaping. The entire open space area is 11,763 square feet. They will be providing 19 percent or 2,309 square feet of landscaping. He said that it is a small lot that has a lot of peripheral landscaping. He said that the plan meets the minimum of 5 percent interior space requirement.

Mr. Gordon displayed a blowup plan of the interior space. He said that they utilized the interior space islands for canopy trees. The trees enhance the peripheral landscaping.

Mr. Gordon said that they will install a six foot solid wood fence to provide screening along the three property lines where there are adjacent residential properties. They have included 94 ten foot Arborvitaes to provide additional screening.

Mr. Gordon said that in addition to that they will be planting six Gleditsia trees. He said that the Honey Locust (Gleditsia) provides a light shade but will not screen out the light for the Arborvitaes, which are sun-loving plants. The Honey Locusts will replace the Red Maples that were originally proposed.

Mr. Gordon said that there is an evergreen groundcover for the open space beds.

Mr. Gordon said that the parking area has been reconfigured so that all of the compact spaces are at the back. There are 31 total spaces on the site. There are 24 spaces in the lot. All of the calculations for the required landscaping include all of the parallel spaces at the side of the building.

The Board said that the submitted plan is a combination survey and landscape plan. From a survey standpoint, the plan lacks the specificity that the Board has been requesting.

Mr. Gordon said that the curb line is 1.85 feet into the private easement. He displayed on the plan how the measurements were made. Mr. Gordon submitted a survey stamped by a professional land surveyor.

The Board said that there was a new catch basin and particle separator indicated on the prior plan. It is not shown on the new plan. Mr. Gordon said that it is still there. They moved the catch basin. He said that they will need to provide fully engineered details to the Town Engineer in order for them to hook up to the Town system.

The Board asked about the difference in elevation between the top of the wall and the neighbors' properties to the south. Mr. Gordon said that it is a flush wall condition. Mr. Gordon said that there is an existing wall there and they will not be touching that wall.

The Board said that the entire parking lot, except for the opening, will be behind an elevated fence. There may be security issues because lighting will be restricted. The Board said that the petitioner should consider using shrubs that are two to three feet in height and no fence on the side abutting the right of way.

Stanley Brooks said that he is representing neighbors of 54 Washington Street. He said that they are challenging the evidence presented to establish that there was a pre-existing nonconforming use. He said that part of the evidence is the photographs that were submitted. He said that no more than seven vehicles were shown in the photographs for any one time. He said that is the only physical proof that this area was used for parking. He said that there was only one vehicle parked there in one of the photographs. He said that there is nothing other than Mr. Shind's statements to the Board that indicate that this has been, since the Zoning changed in 1925, actively used for parking. He said that Mr. O'Leary, at the April hearing, testified that the rear area was only used for employee parking.

Mr. Brooks said that there are special permit applications from 1954 that indicate change of use. He said that with a change of use, the prior use would have been abandoned. He said that in case ZBA 54-15 there was an application to use the property for a fish processing plant. That petition was denied based on two factors: odor and added traffic congestion. He said that in case ZBA 54-16 the Board allowed the use of a hardware business with parking for 12-13 employees. The use was limited to days.

The Board said that Mr. Brooks was not present at the first hearing. The Board gave Ms. McQuillan's testimony a great deal of weight since they operated the business there for many years. Mr. Brooks said that he read the minutes from that hearing and did not recall Ms. McQuillan testifying to the level of use of the parking lot. He said that the Mc Quillans have a vested interest in maintaining this as a parking area because they park their trucks there with some regularity.

The Board said that the proposal before them is for a passenger vehicle parking lot.

Dan Flanagan reviewed the neighbors' proposed plan. He said that there would be a much wider buffer. He said that there would be 22 parking spaces instead of 24.

Zhao Zhu, 8 Fairbanks Avenue, said that he was opposed to the neighbors' plan.

Elizabeth Flanagan said that it may not be fair to put so much weight on Ms. McQuillan's testimony. She said that there are many neighbors who have lived there for the past 17 years and will testify that there has never been more than a car or two in the lot.

The Board said that the issue that Ms. McQuillan testified to was the type of use for many years.

Ms. Flanagan said that she is also concerned about noxious fumes.

Mr. Shind said that Mr. Brooks stated that the owner of the property mentioned that the lot had been used for employees only. Mr. Shind said that Mr. O'Leary stated that employees have always used the lot. Customers have also used the lot regularly.

Mr. Shind said that having the parallel parking spaces will not obstruct or interfere in any way with the use of the right of way. He said that it is a 30 foot right of way and there will be 28 feet for passage.

Mr. Shind said that he spoke with Mr. Brooks after their engineer looked at the neighbors' proposed plan and told him that it was not a viable plan for many technical reasons.

Statement of Facts

The subject property is located at 54 Washington Street, on a 27,083 square foot lot, in a Business and Single Residence District.

The petitioner is requesting a Special Permit for reconstruction and expansion of an existing nonconforming off-street parking area.

A Plot Plan dated 10/7/05, stamped by Scott D. Cameron, Professional Land Surveyor, Proposed Site Plan, dated 1/24/05, stamped by Dan K. Gordon, Registered Landscape Architect, Proposed Site Plan, dated 1/24/05, revised 3/8/06, 5/3/06 and 5/31/06, stamped by Dan K. Gordon, Registered Landscape Architect and Zoltan Juhasz, Registered Professional Engineer, 1997, 2001 and 2004 Orthophotographs, prepared on 4/28/06 by Town of Wellesley GIS, and Aerial Photograph, 4/14/70, Engineering Department, were submitted.

On March 20, 2006, the Design Review Board reviewed the petition and voted to recommend approval of the petition as presented.

On March 30, 2006, the Planning Board reviewed the petition and had no objection to granting the special permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject property does not conform to the current Zoning Bylaw, as noted in the foregoing discussion and Statement of Facts.

It is the finding of this Authority that the parking lot is a pre-existing nonconforming use of this property and that the Board is unable to determine the proposed intensity of the parking.

Therefore, a Special Permit is granted, as discussed and voted unanimously by this Authority at the Public Hearing, for reconstruction and expansion of the off-street parking area, subject to the following conditions:

1. Before construction commences, a drainage plan shall be submitted to and reviewed by the Department of Public Works, satisfactory to the Zoning Board of Appeals.
2. An As-Built Survey shall be submitted to the Zoning Board of Appeals
3. The proposed fence must be properly maintained on the interior and exterior at all times.
4. Shrubs are to be maintained. Dead shrubs shall be replaced with new shrubs within the same season.
5. The fence line shall be adjusted to come down approximately 35 feet from the southeast corner.
6. The parking lot is only to be used between the hours of 7 a.m. and 7 p.m.
7. There shall be no additional lighting.
8. Lighting on the building shall be shielded, only pointing down. There shall be no spillover of light.
9. Lights shall be turned off at 10 p.m.
10. There shall be no vehicle idling.
11. Trucks shall be shut off during loading and unloading.
12. There shall be no parking of trucks other than temporarily in the commercial area.
13. Deliveries shall only be made between 8 a.m. and 5 p.m.
14. There shall be no dumpster in the parking lot.
15. Snow shall be removed from the parking lot. There shall be no snow storage on the landscaped areas of the parking lot.
16. This Special Permit shall expire one year from the date time-stamped on the decision.

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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm